

# Sumter City-City Zoning Board of Appeals

April 14, 2010

## **BOA-10-09, 210 W Calhoun St. (City)**

### **I. THE REQUEST**

**Applicant:** David Felder

**Status of the Applicant:** Under Contract to Purchase Property

**Owner:** Glenda Hawkins

**Request:** Special Exception approval for a proposed Security & Commodity Broker, under SIC 62.

**Location:** 210 W Calhoun St., Sumter.

**Present Use/Zoning:** Vacant former dental office/R-6 Hampton Park Historic District

**Tax Map Reference:** 228-12-01-004

**Adjacent Property Land Use and Zoning:** North – Church/Parking Lot R-6/HD  
South – Residential Single Family R-6/HD  
East – Residential Single Family R-6/HD  
West – Residential Single Family R-6/HD

### **II. BACKGROUND**

The applicant would like to use the property as a Securities & Commodities Brokers, which requires review and approval by the Board of Appeals as a Special Exception Use in the R-6 zoning district. This property recently received Historic Preservation District Design Review and approval for the upgrades to the site that are specifically in preparation for this proposed Special Exception Use in order to operate. The approved work includes repairs and replacements to the building and the installation of a sign as well as landscaping improvements. It is located on a major collector street, in an area that contains a mixture of institutional, office, and residential uses. The location of the entrance to the property is not being changed and is adequate to serve the use. The use requires five (5) parking spaces, including one handicapped van-accessible space, this is shown to be met on the site plan along with buffering and landscaping that will be in conformity with the ordinance requirements.

According to tax records, the structure is a single-story brick building that is 1,420 square feet. It is a typical late 20<sup>th</sup>-century style residential brick ranch-style building and is not considered a contributing structure to the Hampton Park historic district. There is no record for the property or the parcel listed in the Historic District Survey records from SC Dept. of Archives and History. Even though it appears to be a residential-style building, it has been used solely as a commercial structure and





is the site of a former dentist's office. There are several very large trees on the lot and an existing paved parking area (no curb or gutter).

The proposal is to use the building for a commercial office, specifically Edward Jones Investments. This use falls under the Special Exception use category of a Security and Commodity Brokers (SIC 62).

*The site as it exists today contains several large trees and a paved parking area. There is existing 6' wood privacy fencing along the neighboring back property line and a brick wall along an adjacent property line to the west. The present entrance to the site is to remain the same, has been inspected by staff and is adequate in width and location to ensure safe ingress and egress.*

All Special Exception Uses are governed according to the criteria set forth in Article 1(h)4(c), which states:

1. *Special exceptions are subject to the terms and conditions for the use set forth for such uses in the Zoning Ordinance.*
2. *Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:*
  - a. *That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.*
  - b. *That the special exception will be in substantial harmony with the area in which it is located.*
  - c. *That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*
3. *In granting a special exception, the Board of Zoning Appeals may impose such additional stipulations, conditions, or safeguards as, in its judgment, will enhance the siting of the special exception. At the conclusion of the review, the Board of Zoning Appeals shall approve the application with specific modification, or disapprove the application. If approved, the Board of Zoning Appeals shall instruct the Zoning Administrator to issue such permits contingent on the specific modification imposed. If disapproved, the Board of Zoning Appeals shall notify the applicant, in writing, of the action disapproving the application, with the reasons therefore.*

In addition, Article 5(b)1(r) sets forth additional standards that shall be reviewed by the Board of Appeals for the granting of specific Special Exception Uses in the City's R-6 zoning districts:

- r. *Security & commodity brokers; insurance carriers & agents; real estate agents & managers; employment agencies; legal services offices; tutoring services & adult education; engineering, accounting, architectural services & research (SIC Code 62, 63, 64, 6531, 7361, 81, 8299, 87).*

1. *A site plan and landscape plan must be submitted showing the following:*
  - a. *Ingress and egress to the proposed use be provided with reference to automotive and pedestrian safety and convenience, traffic generation flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use;*
  - b. *Off-street parking areas must be located in the side or rear yard. The off-street parking and loading areas shall be designed and provided in harmony with adjacent properties;*
  - c. *Refuse and service areas must be located in the side or rear yard and must be adequately screened with solid fencing and/or vegetation so as not to be visible from adjacent property or public rights-of-way. All refuse areas shall be located in such a way as not to create a nuisance to adjacent properties;*
  - d. *All proposed HVAC and air conditioning units must be located at the rear façade or in a non-visible area of the secondary façade. All existing and proposed units must be adequately screened with solid fencing and/or vegetation so as not to be visible from adjacent property or the public rights-of-way. Window air conditioning units shall be installed at secondary or rear façades rather than the primary façade.*
  - e. *A minimum ten foot (10 ft.) landscape buffer must be provided along all side and rear property lines. Screening and buffering shall be provided with reference to type, dimensions and character of the proposed use, and be fully and clearly represented on the submitted plans, to protect adjacent properties. Buffer yards shall be planted accordingly:*
    1. *Existing healthy vegetation shall be retained;*
    2. *Existing trees shall be protected and retained, if removal is necessary, two trees must be planted for every one tree removed;*
    3. *Three (3) canopy trees, six (6) evergreen trees and/or shrubbery and three (3) understory trees per 100 linear feet or a solid brick wall a minimum of six feet (6 ft.) in height;*
    4. *All plant materials shall be native to the South Carolina Midlands to ensure their health and longevity.*
  - f. *Proposed signs and exterior lighting shall be provided so as not to create glare, impair traffic safety, or be incompatible with adjacent properties. Freestanding signs shall not be taller than five feet (5 ft.) in height or larger than six square feet (6 sq. ft.) in size.*
    1. *Signs which flash, are animated, or rotate shall not be permitted.*

### ***The Request***

The site plan, including the parking layout, landscaping plan (and proposed exterior changes reviewed and approved by the Sumter City Historic Preservation Design Review Committee) are submitted in order to illustrate that the criteria set forth for review and approval of Special Exception uses under 5.b.1 have been met.



Approved repairs and renovations to the exterior of the building include replacing the front wood-panel door with a commercial-grade Hurricane glass energy-efficient single-light door (Western Reflections model 2064). The shutters and new door frame will be finished using Sherwin-Williams SW6195 *Rock Garden*, which is a dark forest green color. The solid-frame single panel windows will be replaced with working one-over-one white vinyl-clad sashes installed in the existing frames. The desire of the applicant is to bring the overall look of the structure closer to something that is more in keeping with the immediate environs of the Historic District in which it is located, without obvious and inappropriate copying of historic architectural elements. The owner, applicant, and a local landscape designer have worked together to design landscaped areas in the bufferyard, street yard, and rear yard that will complement the neighborhood—azaleas, dogwoods and tea olives have been incorporated into the design.

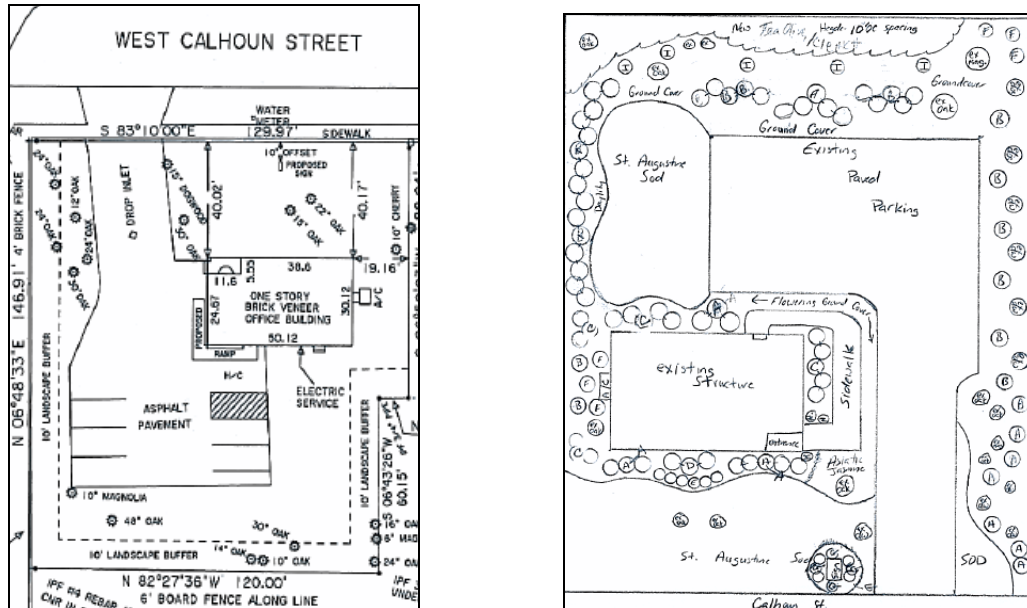


There will be a small 1 square foot professional nameplate attached to the wall beside the front door. In addition, there will be a sign structure in the front yard with brick footings to match the building, with black painted metal brackets and ironwork scrolling that has been designed to echo the front yard gate of the neighboring house to the west as shown in the photograph and illustration above.



The site plan shows adequate parking to the rear of the structure for this use. The landscaping plan shows bufferyards in the sides and rear of the property ten (10) or more feet wide that include existing trees, a mix of understory trees and a variety of shrubs including azalea, dwarf gardenia, and boxwood. The two diseased magnolias in the west side yard will be removed and replaced with flowing crab apple or cherry trees. The handicapped ramp will be placed from the rear parking lot along the west side leading to the front porch entrance. It will be constructed of brick and concrete to match the structure with a gentle 12-to-1 slope.

### Site and Landscaping Plans



### III. STAFF RECOMMENDATION

This proposal meets the special criteria for review and approval of Securities and Commodities Brokers as listed in Article 5(b)1 and Article 1(h)4(c).

The proposal meets all of the criteria specified in the Ordinance, is in substantial harmony with the area in which is it located, and will not be a detriment to surrounding uses or properties in the area. The site plan meets or exceeds the ordinance requirements for landscaping, the placement of parking, and has received approval by the Historic District Design Review Board for the proposed changes to the site.

Therefore, staff recommends approval.

### IV. Draft motion

- A. I move that the Zoning Board of Appeals approve BOA-10-09, subject to the findings of fact and conclusions contained in the draft order, dated April 14, 2010 and attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-09.

## **V. BOARD OF APPEALS – April 14, 2010**

The Sumter City-County Board of Appeals at its meeting on Wednesday, April 14, 2010, voted to approve this request, as presented by staff, based on the findings of fact and conclusions on exhibit 1.

**Exhibit 1**  
**Order on Special Exception Application**  
**Sumter City – County Zoning Board of Appeals**

**BOA-10-09, 210 W. Calhoun St. (City)**  
**April 14, 2010**

Date Filed: April 14, 2010

Permit Case No. BOA-10-09

The Board of Zoning Appeals held a public hearing on Wednesday, April 14, 2010 to consider the request of David Felder, 1 English St. Sumter, SC 29150 for a special exception which may be permitted by the Board pursuant to Sections 1.h.4.c, 3.c.4.d, and 5.b.3.r of the Zoning Ordinance as set forth on Form 4 for the property described on Form 1 to be used for: Security & Commodity Broker (SIC 62).

After the consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the standards in Sections 5.b.3.r of the Zoning Ordinance which are applicable to the proposed special exception of the Zoning Ordinance ☒ **have** - ☐ **have not** been met based on the following findings of fact:
  - a. A site plan and landscape plan have been submitted that address all applicable requirements of 5.b.3.r related to architectural compatibility, parking lot design and location, and landscaping—these plans have been deemed to be adequate;
  - b. The Historic Preservation Design Review Committee has granted a certificate of appropriateness for the proposed site changes in accordance with the City of Sumter *Design Review Guidelines Manual* under HP-10-07;
2. The Board concludes that the proposed special exception ☐ **will** - ☒ **will not** substantially diminish value of adjacent property or property in the district based on the following findings of fact:
  - a. The existing zoning classification – R-6 – will not change.
  - b. The existing use, commercial, will not change;
  - c. Additional landscaping and buffering will be added to the site to buffer between the use and adjacent residences;
  - d. The existing curb cut is established and not proposed to be relocated. Based on review of submitted plans the existing access is adequate;
  - e. All site development/redevelopment proposals have been reviewed and approved by the City of Sumter Historic Preservation Design Review Committee (HP-10-07) and have been deemed to be compatible with the existing character of this predominantly residential district.

3. The Board concludes that the proposed special exception ☒ **will** - ☐ **will not** be compatible with uses in the district based on the following findings of fact:
- a. The proposed site is an established commercial location that has been developed to be compatible with the residential character of the surrounding area;
  - b. HP-10-07 was approved by the Historic Preservation Design Review Committee and addresses all site compatibility issues;
  - c. A petition was submitted by adjacent residential property owners in support of this application.

THE BOARD, THEREFORE, ORDERS that the special exception is ☐ **DENIED** –  
☒ **GRANTED, subject to the following conditions:**

The Sumter City-County Board of Appeals at its meeting on, Wednesday, April 14, 2010, voted to approve this special exception request for a security and commodities broker at 210 W. Calhoun St., Sumter SC. This approval was subject to the findings of fact and conclusions contained in the draft of Exhibit 1 (attached).

Approved by the Board by majority vote.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.**

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